IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 537 (M/B) of 2005

Rajeshwar Prashad Gairaula
S/o Sri Ram Krishan Gairula
R/o Aeraghar Dharampur
Dehradun ... Petitioner

Versus

State of Uttaranchal through
Chief Secretary,
Dehradun & 2 others ... Respondents

Sri Gopal K. Verma, learned counsel for the petitioner.
Learned standing counsel for respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

By means of this writ petition, the petitioner has prayed for writ of mandamus commanding the respondents to include the name of the petitioner in the list published on 20.04.2005 by which the employees mentioned in the list have finally been allocated to the State of Uttaranchal.

2. Section 73(2) of the U.P. Reorganization Act, 2000 gives absolute power to the Government of India to allocate the officers under the U.P. Reorganization Act, 2000. The challenge raised by the petitioner is that at the time of the creation of the State the options were invited and the petitioner also gave his option for the State of Uttaranchal due to the reasons that he belongs to the State of Uttaranchal. On 05.03.2004 also, the Secretary State of Uttaranchal referred the matter of the petitioner to the Chief Secretary Agriculture, Uttar Pradesh and also stated that in the Statistics Department 51 employees can be adjusted in the Department and also stated that the State of Uttaranchal is ready for adjustment of 41 employees in Statistics Department who

were allotted to the State of Uttaranchal and the name of the petitioner was also recommended by him.

3. No doubt, these criterions are to be taken into account but besides this so many other factors are also to be taken into consideration for allocation of cadre. It is for the Government of India to give weight to the various factors in allocating the employees. If in the opinion of the Central Government, the petitioner was fit to be allocated to the State of U.P., no fault can be found with.

4. Therefore, we are not inclined to entertain the writ petition. The writ petition is dismissed accordingly. However, it is open for the petitioner to make a representation to the Government of India raising his grievance for passing appropriate order relating to his allocation under Section 73 (2) of the Act within a week. If any such representation is made within the period prescribed, the same shall be decided within a period of one month after the receipt of the said representation.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

02.03.2006
Rajeev Dang